

2019 Master Class Series

Orlando
January 24, 2019



Philadelphia
February 26, 2019



Labor Relations and Employment: Meeting Today's Challenges



Chicago
March 21, 2019

3
CITIES

6
TRACKS

12
CLASSES

BakerHostetler

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Who Should Attend

This Master Class Series is specially designed to offer high-level courses, hitting specific and practical headline issues affecting general counsel and in-house lawyers, C-suite executives, directors of labor relations and human resources, and business owners.

We have a lineup of leading workplace lawyers who will present a valuable and tailored program focusing on real employment issues, challenges and opportunities faced in today's ever-changing economy.

Why Should You Attend?

1 It's Valuable

This one-day conference will provide real-world strategies for the most current issues affecting your business and employees. Insights into new policy regulations and legislation will prepare you to confront employee matters related to pensions, contracts, social media, healthcare reform and union interference.

2 It's Insightful

Our Master Class faculty comprises BakerHostetler attorneys at the top of their game, who are prepared to bring insights based on their experience to each discussion, thus taking these topics to the next level.

3 It's Interactive

With limited space, our unique and intimate format is designed to facilitate issue-specific dialogue beyond the normal classroom setting. You are encouraged to ask questions and interact with both the speakers and other attendees.

4 It's Specialized

Classes have been designed to focus on current issues and common challenges. Each presenter has deep experience in these areas and will bring pragmatic and on-target insights to each session.

Program Co-Chairs



Jay Krupin serves as BakerHostetler's National Co-Chair of the Labor Relations Practice and National Labor and Employment Practice Team Leader for Industry Sectors. He represents businesses across the United States, advising on federal and state labor, employment and personnel law issues, and defending

them before administrative agencies and in court proceedings. Mr. Krupin is well-versed in management-union issues, employment discrimination matters and wage-hour practices. He has successfully negotiated more than 350 collective bargaining agreements and has represented companies in more than 100 union elections and campaigns.

A frequent speaker and writer on a variety of topics related to his fields of practice, Mr. Krupin has been quoted in or has authored articles in the *Wall Street Journal*, *New York Times*, *Chicago Tribune*, *Los Angeles Times*, *USA Today*, *National Law Journal*, *Legal Times* and more than 50 other publications. He has appeared on television and radio programs throughout the nation, addressing issues related to labor and employment law.

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Patrick Muldowney serves as BakerHostetler's National Co-Chair of the Labor Relations Practice. Mr. Muldowney advises and represents private- and public-sector management clients in connection with both traditional labor law and employment law issues. He has litigated issues related to discrimination, sexual

harassment, labor-management relations, family and medical leave, public employee rights, minimum wage/overtime compensation, and covenants not to compete.

Mr. Muldowney has represented employers in matters involving the National Labor Relations Board (relating to both unfair labor practice charges and representation elections), the U.S. Equal Employment Opportunity Commission, the Florida Commission of Human Relations, the Florida Division of Administrative Hearings, the Orlando Human Relations Department, the New York State Division of Human Rights and the New York City Commission on Human Rights. Additionally, he is an adjunct professor at Rollins College, where he teaches a course on labor and employment law in the Master of Human Resources program.

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Choose a total of six sessions.



Artificial Intelligence: Labor Considerations

Data-driven algorithms are now found in nearly every industry, guiding aspects of business operations that were once under the supervision of human managers. The potential impact on the workplace in this new era of automation is difficult to overstate. From recruiting to retirement, business leaders are turning over employment functions to digital decision-makers, and labor unions are taking notice. Plaintiffs' attorneys and government regulators are also joining the conversation, pinning ultimate responsibility for the employment "decisions" of a computer program on the employers who use them. In this session, participants will discuss best practices to protect their organizations from litigation trends and labor union initiatives as artificial intelligence continues to be tested as a tool to maximize efficiency.



'Me Too' Status: Claims, Investigations, Retaliations, Litigation

This session will focus on the current legal, legislative and social environments and how each has impacted employers' approaches to sexual harassment allegations. We will be discussing what has changed since the #MeToo movement began, what is on the horizon and what has not changed. Also covered will be the key steps employers can take to prepare for and respond to the especially difficult problems posed by complaints lodged about a company's most critical performers, with practical risk-reduction steps, effective investigation techniques, and tips on addressing internal and external communications. State and city laws could be discussed, where appropriate, and we will also summarize key cases that have been filed (or decided) since the movement began, including the six EEOC enforcement actions recently filed.



The NLRB in the Age of Trump

When President Trump took office, the conventional wisdom was that the NLRB would go in a markedly different direction from the Obama years – and the Board surely has not disappointed. From joint employers to employer email systems to expedited election rules, Republican appointees to the Board and the new General Counsel have been active in seeking to dismantle the legacy of the Obama Board. In the meantime, opponents of the Trump Board's initiatives have employed novel interpretations of conflicts rules to slow down the Board's implementation of its agenda. Now with a Democrat-controlled House taking office in 2019, the Trump Board finds itself facing the specter of hostile congressional oversight. In this session, we will look at where the Board has been over the past year and where we anticipate it will be going in the next two years.



Union Organizing Through Social Justice Campaigns

Historically, union organizing has been based upon traditional issues of the workplace. Wages, healthcare, pensions, seniority, schedules, vacations, holidays and similar "terms and conditions of employment" have been the catalysts to convince employees to seek representation under the National Labor Relations Act. While these issues are still important, the social justice agenda has become equally if not more enticing. Unions claim that they are the stable force to ensure that job-related contemporary issues are recognized by employers. Indeed, more union organizing activity is founded upon promises to address #MeToo, Black Lives Matter, immigration, income inequality, LGBTQ discrimination, harassment, age discrimination, technological change and similar "non-economic" issues. How a company should be prepared to assess and defend against this new wave of organizing will be the focus of this session.



Wage and Hour: The Changing Landscape

Wage and hour law continues to dominate employer compliance concerns. This session will answer your most pressing questions and provide a timely update on ongoing wage and hour law developments – both at the Department of Labor and in the courts. The Department of Labor, for example, is poised in 2019 to revisit Fair Labor Standards Act exemptions governing executive, administrative and professional employees. How will this regulatory review (and the judicial interpretation of the current regulations) be impacted by the Supreme Court's 2018 decision in *Encino Motorcars*, which held that FLSA exemptions should be accorded a "fair" construction, not a "narrow" construction as historically has been the case? In addition, what can employers expect from the Labor Department's anticipated clarification of what types of compensation must be included in the "regular rate" of pay for purposes of proper overtime calculation? Lastly, after the Supreme Court's decision in *Epic Systems*, how is arbitration impacting wage and hour litigation and the pursuit of collective and class actions? These issues and more, including relevant state and local law developments, will be explored.



Gig Workers, Joint Employment and the New Economy

The modern workforce is changing, but the laws are lagging behind. Gig and shift work is becoming more prevalent, but gig workers lack any system of portable benefits. That is going to change. The expansion of gig work also raises difficult legal questions relating to unionization, joint employment and overtime eligibility. Federal agencies are attempting to adjust the tests for joint employment, but states and courts have gone in a different direction, creating a hodgepodge of legal standards. This session will focus on business trends, legal developments and what lies ahead as the millennial workforce changes the face of labor as we know it.

Tailor your six-session itinerary to what's most important to you. Having a hard time choosing among the important topics? Consider bringing multiple attendees from your organization.



Immigration Primer for Employers Under the 'America First' Doctrine

Halfway through its first term, what have we learned about the Trump administration's business immigration priorities and what might come next under a divided Congress? With the commitment to restricting all forms of immigration, U.S. employers are facing unprecedented resistance and threats to their businesses and employees. This session will take stock of the present situation and look at what new challenges can be expected in business immigration in 2019 and beyond.



Executive Employment Contracts: Devil in the Details

Hiring a new C-suite executive typically generates energy and excitement, with both sides anxious to get the relationship underway as quickly as possible. But when it comes to the contract that defines and controls that relationship, the devil is in the details. Both the company and the executive benefit from communicating expectations clearly and avoiding any ambiguity that could jeopardize the relationship or lead to disputes. We will explore the top 10 issues in negotiating executive employment agreements – from key cash and equity compensation terms to restrictive covenants to arbitration clauses – with views and strategies from the company's and executive's perspective.



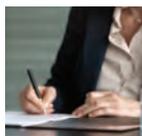
Contesting and Negotiating Neutrality Agreements

For the past several years, unions have sought to organize employees by intentionally avoiding the preferred NLRB elections process. They do this by attempting to convince employers to permit recognition through a voluntary card check protocol. Sometimes this procedure is embedded in existing collective bargaining agreements to bind future operations. Sometimes it is used as a means to avoid union interference with company growth or development plans. And it is also used as a pressure tactic to impede the obtaining of government approvals and permits. The strategic planning when confronted with CCNAs, negotiations of such agreements and the understanding that neutrality obligations do not necessarily lead to compulsory unionization will be the focus of this session.



Trends in Collective Bargaining

The shifting sands of labor law have permitted employers to take a stronger business approach, become more creative and add greater protections in the collective bargaining process. Issues such as controlling "past practices," protecting financial exposure through "economic distress" clauses, and basing wage increases on merit or definable objective operational criteria are only a few of the new-age issues to review. Importantly, considerations raised by unions that deal with #MeToo, immigration, harassment, predictable scheduling and other newsworthy matters must be properly handled. The times when CBA negotiations covered only the percentage of annual wage increases, additional PTO days or steps of a grievance process are certainly changing. Employers can favorably embrace opportunities with the proper approach, while recognizing the need to prepare for the current union socially conscious attempts to restrict management. We will address all these matters in this session.



Purchases and Sales: Labor Relations Essentials

There are a number of important labor relations issues to consider when negotiating a purchase and sale agreement. Many times terms dealing with the workplace, personnel and labor relations are not addressed until after the financial conditions have been ironed out, to both the seller's and purchaser's detriment. This session will focus on important issues such as successorship obligations, WARN Act requirements, payment of accrued benefits, the proper language to include in the Purchase and Sale Agreement, and other labor and employment issues that must be addressed during due diligence.



Employee Benefits Plans: An Epic Political Standoff Looms

It is 2019, Congress is divided, and while the White House wants to advance its agenda, its ability to do so is somewhat constrained. But the economy, and workers, won't wait around while Washington, D.C., gets its act together. In this environment, with full employment and a strong economy, smart decisions still need to be made about the organization's benefit plans. What should be done about employee health plans? Do pension plans need de-risking? Does the savings plan still have employer securities in it? This session provides insights and tips regarding what forward-looking employers are thinking – and doing.

Register Today

To Register

Visit bakerlaw.com/MasterClass2019

Questions

Should you have any questions or prefer to register by phone, please contact Lynmarie Lane at +1.312.416.6297 or MasterClass@bakerlaw.com.

Master Class Details

8:00 a.m.

Continental breakfast and registration

8:30 a.m. – 4:30 p.m.

Program

Lunch will be provided for all attendees;

the program will be followed by a cocktail reception.

Cost to attend is \$125 per person, and \$75 for each additional registrant from the same company.

CLE credit is pending. HRCI and SHRM credit are available. Space is limited for the Master Class Series. We encourage you to make reservations as early as possible.

To register, please visit bakerlaw.com/MasterClass2019. On the registration site, you will find additional details about the series.

To register, visit

bakerlaw.com/MasterClass2019

We look forward to having you join us for this premier event.



Orlando

January 24, 2019

The Citrus Club
255 South Orange Ave.
Suite 1800
Orlando, FL 32801



Philadelphia

February 26, 2019

Convene
2929 Arch Street
University City, Mezzanine Level
Philadelphia, PA 19104



Chicago

March 21, 2019

Gleacher Center – University of
Chicago Booth School of Business
450 North Cityfront Plaza Drive
Chicago, IL 60611

BakerHostetler

Key Tower, 127 Public Square
Suite 2000
Cleveland, OH 44114-1214

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“The topics covered were very valuable ... My team and I really benefited from the topics covered and would love to attend similar future classes.”

“Each workshop provided insider information and practical tips to remember from experts in the field.”

“Please pass along to all that the seminar was outstanding!”

“It was very informative and a good-quality venue and presentations.”

“The Master Class was excellent ... In addition to the classes that I attended, having the chance to discuss topics with the attorneys was great and gave me the opportunity to expand my knowledge and, to your point – gain valuable insight.”

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“It was apparent that the speakers/attorneys were experts in their fields and came to address current and relevant issues and concerns.”